REMARKS

Rejections

Rejections under 35 U.S.C. § 103

Claims 21, 25, 26, 29, 31, 40, 49, 53, 54, 57, 59, 68, 77, 78, 81, 82, 85, 87, 96, 105, 109, 110, 113, 115 and 124

Claims 21, 25, 26, 29, 31, 40, 49, 53, 54, 57, 59, 68, 77, 78, 81, 82, 85, 87, 96, 105, 109, 110, 113, 115 and 124 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Becker, U.S. Patent 6,301,579 (previously cited), in view of Agrawal, U.S. Patent 5,978,794.

Becker discloses a hierarchical data structure that represents a multi-dimensional data set. The Examiner clearly recognizes that a multidimensional scaling space is well-known in the art as representing similarity or dissimilarity of data [OA: page 7, lines 15-17]. Nonetheless, the Examiner continues to assert that Becker's hierarchical data file represents a *multidimensional scaling space* even though ***Becker fails to teach or even suggest that his multi-dimensional data set represents similarity or dissimilarity of data***. Indeed, Becker does not disclose that any data in the multi-dimensional data set is related to similarity or dissimilarity. Therefore, the Examiner's assertion that Becker's hierarchical data file represents a *multidimensional scaling space* is unsupported by the Examiner's own definition of a multidimensional scaling space.

Applicant claims a hierarchical data structure having root and leaf nodes that contain information about a multidimensional scaling space. Because ***Becker's multi-dimensional data set is not equivalent to a multidimensional scaling space***, Becker's hierarchical data file that represents a multi-dimensional data set cannot be properly interpreted as equivalent to Applicant's claimed hierarchical data structure that contains information about a multidimensional scaling space.

In addition, Applicant claims the leaf nodes in the hierarchical data structure as comprising *coordinates* in a local multidimensional scaling space. The Examiner is equating the lower nodes in Becker's hierarchical data file with Applicant's claimed leaf nodes. However, ***Becker does not teach or suggest that the nodes in his hierarchical data file comprise any coordinates in any space at all***, much less coordinates in an

multidimensional scaling space. Therefore, Becker's hierarchical data file nodes cannot be properly equated with Applicant's claimed leaf nodes.

Moreover, Applicant claims that the root node comprises *coordinates* in the multidimensional scaling space for a first subset of the set of points selected based on the *distances between pairs of points*. Applicant further claims that the root node comprises *boundary information* in the multidimensional scaling space for local multidimensional scaling spaces. The Examiner is equating a root node in Becker's hierarchical data file with Applicant's claimed root node, and is relying on column 7, line 38 to column 8, line 29 of Becker for support. However, the cited section of Becker is a mere recitation of terminology. ***There is not a single reference to coordinates, multidimensional scaling spaces, distances between pairs of points, or boundary information for multidimensional scaling spaces in the cited section of Becker.*** Applicant has diligently searched Becker and finds ***there is no disclosure anywhere in Becker directed toward coordinates, multidimensional scaling spaces, distances between pairs of points, or boundary information for multidimensional scaling spaces***. Thus, the Examiner's interpretation of Becker as disclosing Applicant's root node as claimed is clearly unsupported by the reference itself.

Because Becker does not disclose Applicant's root and leaf nodes as claimed, Agrawal must do so to establish a proper *prima facie* case of obviousness. Applicant has also diligently searched Agrawal and can find ***no teaching or suggestion of nodes comprising coordinates in any type of space in Agrawal***. Furthermore, ***Agrawal does not teach or suggest a node comprising any type of boundary information***. Therefore, Agrawal cannot be properly interpreted as disclosing Applicant's root and leaf nodes as claimed. Thus, the combination of Becker and Agrawal cannot be properly interpreted as teaching or suggesting Applicant's claimed root nodes or Applicant's claimed leaf nodes.

Accordingly, the combination cannot render obvious Applicant's invention as claimed in claims 21, 25, 26, 29, 31, 40, 49, 53, 54, 57, 59, 68, 77, 78, 81, 82, 85, 87, 96, 105, 109, 110, 113, 115 and 124, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Becker and Agrawal.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 23, 27-28, 30, 32-39, 42-48, 51, 55-56, 58, 60-67, 70, 72-76, 79, 83-84, 86, 88-95, 98-104, 107, 111-112, 114, 116-123, 126 and 128-132 contain allowable subject matter if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Because Applicant believes all the pending claims are allowable over the art of record, Applicant has not so amended the claims at this time.

SUMMARY

Claims 21, 23, 25-40, 42, 44-49, 51, 53-68, 70, 72-77, 79, 81-96, 98, 100-105, 107, 109-124, 126 and 128-132 are currently pending. In view of the foregoing remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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Dated: December 20, 2007

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